

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

FIELDTURF USA, INC., a Florida
corporation; TARKETT INC., a Canadian
corporation,

Plaintiffs,

v.

UBU Sports, Inc., a Delaware corporation,

Defendant.

Case No. 1:16-cv-5572

Hon. John Z. Lee

Jury Demanded

FIELDTURF'S UNOPPOSED MOTION FOR ENTRY OF FINAL JUDGMENT

Pursuant to Federal Rule of Civil Procedure 58(d), FieldTurf, by and through its attorneys, respectfully requests that this Court set out in a separate document, in the form of Exhibit 1 to this motion, the final judgment this Court entered in FieldTurf's favor. In support of this motion, FieldTurf states as follows:

1. On March 29, 2017, FieldTurf moved for default judgment. (Dkt. 48.)
2. On May 3, 2017, the Court held a hearing on FieldTurf's motion for entry of default judgment. At the hearing, the Court granted FieldTurf's motion. (*See* Dkt. 62.)
3. Also on May 3, 2017, the Court entered final judgment in favor of FieldTurf in a minute entry, which read: "MINUTE entry before the Honorable John Z. Lee: Status and motion hearing held on 5/3/17. Defendant is not present. For the reasons stated on the record, Plaintiffs motion for entry of default and default judgment against Defendant and for dismissal of Defendant's counterclaims with prejudice for want of prosecution 48 is granted in part and denied in part. Judgment is entered in favor of the plaintiff and against the Defendant UBU Sports, Inv.

in the amount of 780,000.00 The request for attorney fees is denied. Enter order. Civil case terminated. Mailed notice (ca,) (Entered: 05/03/2017).” (Dkt. 60.)

4. It is FieldTurf’s understanding that the May 3, 2017 minute entry constitutes a valid and enforceable final judgment in its favor on its claim for willful patent infringement.

5. Even so, FieldTurf respectfully requests that the Court issue a final judgment in the form of Exhibit 1 to this motion. Federal Rule of Civil Procedure 58(d) provides that “[a] party may request that judgment be set out in a separate document as required by Rule 58(a).” In turn, Federal Rule of Civil Procedure Rule 58(a) provides that “[e]very judgment and amended judgment must be set out in a separate document”

6. Per the Court’s request in a June 1, 2017 email, FieldTurf’s request for the entry of its proposed judgment is made via this motion.

7. FieldTurf’s request is made in an abundance of caution, to resolve any possible doubts about whether the Court’s minute entry satisfies the “separate document” requirement. *See, e.g., Perry v. Sheet Metal Workers’ Local No. 73 Pension Fund*, 585 F.3d 358, 361 (7th Cir. 2009) (noting that “*some* minute entries might satisfy the ‘separate document’ requirement” of Rule 58 (emphasis added)).

8. FieldTurf conferred with Stan Sneeringer, counsel for Defendant UBU Sports, Inc. before filing this motion. Mr. Sneeringer represented that his client does not oppose FieldTurf’s request that the Court enter judgment in the form of Exhibit 1 to this motion.

WHEREFORE, for the reasons stated above, FieldTurf respectfully requests that the Court issue a final judgment in its favor in the form of Exhibit 1 to this motion.

Dated: June 5, 2017

Respectfully submitted,

WINSTON & STRAWN LLP

By: /s/ Kevin E. Warner

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing was served on this
5th day of June, 2017 via CM/ECF on the following:

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